

Application for a Search Warrant

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CLERK'S DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
DEPUTYUnited States District Court
for the
Western District of Washington

SCALF, ZACHARY

Case No. 03015-2016

MJ/4-5155

APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE

I, OFC VARNEY, STEPHANIE, a federal law enforcement officer for the government, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one or more tubes or vials should be taken from the following person: SCALF, ZACHARY located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- Physical Control of a Vehicle While Under the Influence of Alcohol and/or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13

This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.



Applicant's signature

OFC VARNEY, STEPHANIE

Police Officer
with the Joint Base Lewis-McChord/Department of
the Army Police

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this 21st day of August, 2016.



Judge's signature

U.S. Magistrate Karen L. Strombom
Printed name and title

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

AFFIDAVIT

I, OFC VARNEY, STEPHANIE, a law enforcement officer for Joint Base Lewis-McChord, Washington, having been duly sworn, state as follows:

AFFIANT BACKGROUND

I have served as a law enforcement officer and/or criminal investigator for a total of 1 years. I have served as a law enforcement officer on Joint Base Lewis-McChord since MARCH 2016.

I also have 4 years of law enforcement and/or criminal investigative experience prior to my tenure with Joint Base Lewis-McChord.

I am currently a DA Police Officer with the Joint Base Lewis-McChord Police Department.

My training and experience includes the following:

Basic Law Enforcement training with Ft. Leonard Wood Civilian Police Academy, Standardized Field Sobriety Test Certification. Through my past training and experience I have learned to recognize signs of alcohol and / or drug impairment in people and to determine whether or not a person's ability to operate a motor vehicle safely is impaired. I also know from my training and experience that most drugs once ingested including alcohol, will be detectable in a person's blood. The entire incident I am about to describe occurred in the jurisdiction of Joint Base Lewis-McChord, Pierce County, Washington.

I have certifications in various courses in DUI detection and enforcement to include but not limited to:

- Advanced Roadside Impaired Driving Enforcement course (A.R.I.D.E.), the practice of roadside interviews and advanced investigative techniques used for identifying drug impaired drivers.
- Standardized Field Sobriety Testing course (SFST), the practice of testing and recognizing drug and alcohol impairment clues through the use of standardized field sobriety testing including horizontal gaze nystagmus testing.
- Drugs that Impair Driving course (D.I.D.) the practice of recognizing drug impaired driving and an overview of the symptoms associated with various drug categories.
- I am also a certified and competent BAC operator.
- A Certified Washington State Breath Test Instructor.

The entire incident I am about to describe occurred within the jurisdictional boundaries of Joint Base Lewis-McChord, Washington/Pierce County.

The information presented in this affidavit is based on my personal observations and interviews with:

- The subject
- Witnesses
- Victims

of the incident currently under investigation, described herein.

INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

The purpose of this affidavit is to seek a search warrant to authorize me or other law enforcement officers to direct a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of Washington (RCW), a physician assistant as defined in Chapter 18.71A of the RCW, a first responder as defined in Chapter 18.73 of the RCW, a health care assistant as defined in Chapter 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood sample consisting of one or more tubes or vials from: SCALF, ZACHARY. This warrant is requested for the purpose of gathering evidence of the following crime(s):

- Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- Physical Control of a Vehicle While Under the Influence of Alcohol and/or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218

I am seeking to present this application for a search warrant by electronic means because the natural metabolism of alcohol or drugs in the bloodstream may result in the loss of this evidence in the time it would take to present a search warrant application in a more traditional fashion.

My initial contact with SCALF, ZACHARY occurred on the 21st day of August, 2016, at approximately 0807, within the legislative boundaries of Joint Base Lewis-McChord.

I arrived on scene at 0807 hrs. Upon arrival, a white in color 2008 Nissan Altima was pulled off of the main road and turned onto the entrance of the training area at an angle. I observed the vehicle to be running with an unconscious Caucasian male in the driver seat. The individual was slumped over the steering wheel with a blue in color lunch kit in his lap. A clear pipe with unknown substances were also in plain view on the center console as well. A DOL check was conducted and the vehicle returned clear. Contact was made with SCALF, ZACHARY DAVID who was the driver of the vehicle. Upon awakening, he seemed dazed and confused. I informed him of who I was and requested him to open the door. The scent of marijuana was then emitted from the vehicle upon his opening the door. A DOL check of the driver revealed that he was clear of wants and warrants. Upon exiting the vehicle, SCALF informed me that he was sleeping and had very little sleep the night before and was on his way to his girlfriend's house. When I asked as to what was on the center console, SCALF stated that it was "DAPS", a type of synthetic marijuana. SCALF was then advised of his rights which he invoked. Upon his arrest, I observed him to be very lethargic. His pupils were small and eyes watery. SCALF refused SFST as well as a voluntary Blood Draw. In addition, SCALF was seen to be going in and out of sleep while in the rear of the patrol car. An inventory of the vehicle for impound revealed several drug paraphernalia items, such as piped, burnt tin foil, tubes, lighters, etc. DST was notified immediately.

A breath test is not sufficient to determine his level of incapacitation, as:

There is no odor of alcoholic beverage and no other signs that SCALF, ZACHARY consumed alcohol.

The breath test results of on the BAC, are not consistent with the level of impairment observed during the course of this investigation.

Instead, a review of SCALF, ZACHARY's behavior, clues observed during the field sobriety tests and the totality of the situation under investigation suggests that SCALF, ZACHARY is under the influence of a drug or combination of drugs and/or alcohol.

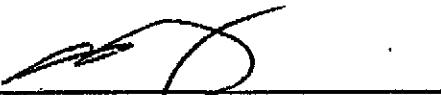
A sample of blood extracted from SCALF, ZACHARY, if taken within a reasonable period of time after last operating or was in physical control of a motor vehicle, may be tested to determine his current intoxication level and to detect the presence of any drugs that may have impaired his ability to drive. This search warrant is being requested approximately hours after SCALF, ZACHARY ceased driving or was found in physical control of a motor vehicle.

CONCLUSION

For the reasons stated above, I request authority to direct a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in Chapter 18.88A of the RCW, a physician assistant as defined in Chapter 18.71A of the RCW, a first responder as defined in Chapter 18.73 of the RCW, an emergency medical technician as defined in Chapter 18.73 of the RCW, a health care assistant as defined in Chapter 18.135 of the RCW, or a technician trained in withdrawing blood to extract a blood sample consisting of one or more tubes or vials from SCALF, ZACHARY.

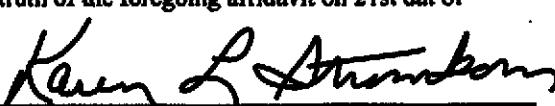
I certify (or declare) under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated this 21st day of August, 2016.

Affiant Signature: 

Printed Name: OFC VARNEY, STEPHANIE
LAW ENFORCEMENT OFFICER

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit on 21st dat of August, 2016.

Signature: 

Printed Name: Karen L. Stromham
U.S. MAGISTRATE JUDGE